

## DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION\*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

OPIE I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

## OCCIPITAL PLATE AND SYSTEM FOR SPINAL STABILIZATION

and for which a patent application:

was filed in the United States on February 21, 2001 as Application No. 09/788,639  
attached hereto

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

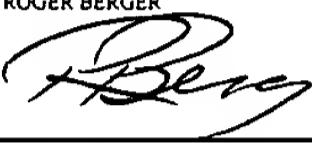
I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE
	3/13/01
	3/13/01
	3/13/01
	3/13/01

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME BERGER	FIRST NAME Roger	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Bueren	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP Switzerland	
	POST OFFICE ADDRESS	STREET St. Pantoleonstrasse 20	CITY Bueren	STATE OR COUNTRY Switzerland	ZIP CODE 4413
	SIGNATURE OF ROGER BERGER 			DATE 1/14/2002	
2 0 2	FULL NAME OF INVENTOR	LAST NAME GERBER	FIRST NAME David	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Arborn	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP Switzerland	
	POST OFFICE ADDRESS	STREET Alpsteinstrasse 4	CITY Arborn	STATE OR COUNTRY Switzerland	ZIP CODE
	SIGNATURE OF DAVID GERBER			DATE	
2 0 3	FULL NAME OF INVENTOR	LAST NAME EMCH	FIRST NAME Hansjuerg	MIDDLE NAME W.	
	RESIDENCE & CITIZENSHIP	CITY Philadelphia	STATE OR FOREIGN COUNTRY Pennsylvania	COUNTRY OF CITIZENSHIP Switzerland	
	POST OFFICE ADDRESS	STREET 1527 Spruce Street	CITY Philadelphia	STATE OR COUNTRY Pennsylvania	ZIP CODE 19102
	SIGNATURE OF HANSJUERG W. EMCH			DATE	
2 0 4	FULL NAME OF INVENTOR	LAST NAME BRACE	FIRST NAME Michael	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Lansdale	STATE OR FOREIGN COUNTRY Pennsylvania	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 1611 Bridle Path Drive	CITY Lansdale	STATE OR COUNTRY Pennsylvania	ZIP CODE 19446
	SIGNATURE OF MICHAEL BRACE			DATE	
2 0 5	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
	SIGNATURE OF INVENTOR 205			DATE	

## DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION\*

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O I P 5  
FEB 13 2002  
PATENT & TRADEMARK OFFICE  
I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

## OCCIPITAL PLATE AND SYSTEM FOR SPINAL STABILIZATION

and for which a patent application:

is filed in the United States on February 21, 2001 as Application No. 09/788,639  
 is attached hereto

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

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			YES <input type="checkbox"/> NO <input type="checkbox"/>
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I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE	RECEIVED
		FEB 20 2002
		PTO/RA/RC/04
		RECEIVED

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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\* for use only when the application is assigned to a company, partnership or other organization.

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	RESIDENCE & CITIZENSHIP	CITY Arbon	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP Switzerland	
	POST OFFICE ADDRESS	STREET Alpsteinstrasse 4	CITY Arbon	STATE OR COUNTRY Switzerland	ZIP CODE
	SIGNATURE OF DAVID GERBER <i>D. Gerber</i>			DATE 1/25/02	
2 0 3	FULL NAME OF INVENTOR	LAST NAME EMCH	FIRST NAME Hansjuerg	MIDDLE NAME W.	
	RESIDENCE & CITIZENSHIP	CITY Philadelphia	STATE OR FOREIGN COUNTRY Pennsylvania	COUNTRY OF CITIZENSHIP Switzerland	
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	SIGNATURE OF HANSJUERG W. EMCH			DATE	
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	SIGNATURE OF INVENTOR 205			DATE	

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**OCCIPITAL PLATE AND SYSTEM FOR SPINAL STABILIZATION**

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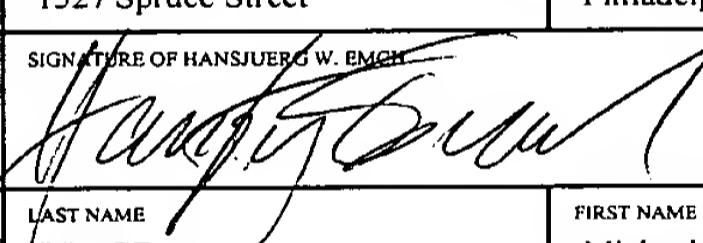
PROVISIONAL APPLICATION NUMBER	FILING DATE
	2001 FEB 21
	2001 MAR 20
	2001 APR 20
	2001 MAY 20

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	SIGNATURE OF HANSJUERG W. EMCH 			DATE 1/21/02	
2 0 4	FULL NAME OF INVENTOR	LAST NAME BRACE	FIRST NAME Michael	MIDDLE NAME	
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PROVISIONAL APPLICATION NUMBER	FILING DATE
	2001-02-21
	2001-02-21
	2001-02-21

RECEIVED  
FEB 20 2001  
U.S. PATENT & TRADEMARK OFFICE  
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	POST OFFICE ADDRESS	STREET St. Pantoleonstrasse 20	CITY Bueren	STATE OR COUNTRY Switzerland	ZIP CODE 4413
	SIGNATURE OF ROGER BERGER			DATE	
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	SIGNATURE OF DAVID GERBER			DATE	
2 0 3	FULL NAME OF INVENTOR	LAST NAME EMCH	FIRST NAME Hansjuerg	MIDDLE NAME W.	
	RESIDENCE & CITIZENSHIP	CITY Philadelphia	STATE OR FOREIGN COUNTRY Pennsylvania	COUNTRY OF CITIZENSHIP Switzerland	
	POST OFFICE ADDRESS	STREET 1527 Spruce Street	CITY Philadelphia	STATE OR COUNTRY Pennsylvania	ZIP CODE 19102
	SIGNATURE OF HANSJUERG W. EMCH			DATE	
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	RESIDENCE & CITIZENSHIP	CITY Lansdale	STATE OR FOREIGN COUNTRY Pennsylvania	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 1611 Bridle Path Drive	CITY Lansdale	STATE OR COUNTRY Pennsylvania	ZIP CODE 19446
	SIGNATURE OF MICHAEL BRACE <i>Michael J. Brace</i>			DATE 1/14/02	
2 0 5	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
	SIGNATURE OF INVENTOR 205			DATE	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: R. BERGER *et al.*

Application No.: 09/788,639

Group Art Unit: 3738

Filed: February 21, 2001

Examiner: Unassigned

For: OCCIPITAL PLATE AND SYSTEM  
FOR SPINAL STABILIZATION

Attorney Docket No.: 8932-320



**CONSENT BY THE ASSIGNEE UNDER 37 C.F.R. § 1.48(a)(5)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

RECEIVED  
FEB 20 2001  
TCS 3700 MAIL ROOM

Sir:

Synthes (USA), a General Partnership existing under the laws of the Commonwealth of Pennsylvania and having a place of business at 1690 Russell Road, Paoli, PA 19301, as Assignee of the entire right, title and interest in, to and under the U.S. application filed on September 1, 2000 entitled "OCCIPITAL PLATE AND SYSTEM FOR SPINAL STABILIZATION" hereby consents to the correction of application no. 09/788,639 (the "Application") to add David Gerber, Hansjuerg W. Emch and Michael Brace as named inventors.

Synthes (USA), certifies that it is the Assignee of the entire right, title and interest in, to and under the U.S. Application, pursuant to the assignment executed by Roger Berger and recorded by the USPTO on June 15, 2001 at Reel 011912, Frame 0906, and pursuant to an assignment executed by David Gerber, Hansjuerg W. Emch and Michael Brace, the added co-inventors of the Application, a copy of which is enclosed.<sup>1</sup>

<sup>1</sup> For purposes of clarification, please note that pursuant to these assignments, Synthes (USA) is the assignee of the entire right, title, and interest to the U.S. application, while Synthes AG Chur is the assignee of rights, title, and interest to applications in various other countries.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Patent.

Signed this 12<sup>th</sup> day of February, <sup>2002</sup> 2001.

**SYNTHES (USA)**

By: Jessie B. Hill  
Jessie B. Hill, Esq.

Title: Director, Legal Affairs

## ASSIGNMENT

St. PANTALEONSTRASSE 20  
4413 BÜREN  
SWITZERLAND

WHEREAS, I, **Roger BERGER**, a citizen of Switzerland and residing at 146 Cavalry Court, Wayne, Pennsylvania 19087, ASSIGNOR, am the inventor of the invention entitled **OCCIPITAL PLATE AND SYSTEM FOR SPINAL STABILIZATION**, for which an application for a Patent of the United States

- which is executed concurrently herewith
- which is identified by Pennie & Edmonds LLP docket no. 8932-320 and
- was filed on **February 21, 2001**, Application No. **09/788,639**

AND WHEREAS, **SYNTHES AG CHUR**, ASSIGNEE, having a registered office and place of business at Grabenstrasse 15, CH-7002 Chur, Switzerland, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application in all geographic locations except the United States and its possessions and territories, Canada and its possessions and territories, the Bahamas, and Bermuda, (hereinafter "the excluded geographic locations")

AND WHEREAS, **SYNTHES (USA)**, ASSIGNEE, a General Partnership existing under the laws of the Commonwealth of Pennsylvania and having a place of business at 1690 Russell Road, Paoli, PA 19301, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application in the excluded geographic locations:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over:

- (1) unto the said **SYNTHES (USA)**, its successors, legal representatives and assigns, my entire right, title and interest in, to and under the said invention in the excluded geographic locations, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection in the excluded geographic locations, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country in the excluded geographic locations, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection in the excluded geographic locations, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country in the excluded geographic locations and all extensions, renewals and reissues thereof, and
- (2) unto the said **SYNTHES AG CHUR**, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention in all geographic locations except the excluded geographic locations; and all applications for industrial property protection in all geographic locations except the excluded geographic locations, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States in all geographic locations except the excluded geographic locations, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection in all geographic locations except the excluded geographic locations, including, without limitation, patents, utility models, inventors' certificates and designs

which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND I HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the respective ASSIGNEES, their successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

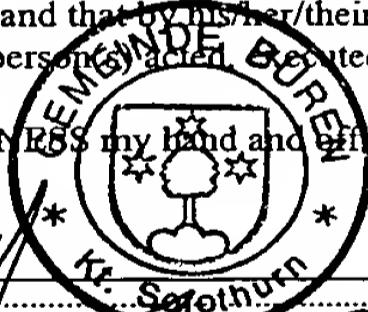
AND I HEREBY further covenant and agree that I will communicate to the said ASSIGNEES, their successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEES, their successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal the day and year set opposite my respective signature.

Date May 15, 2001 Roger Berger L.S.  
**Roger BERGER**

In the State of Switzerland, <sup>city</sup> county of Büren, on May 15, before me, R. Mohler, Notary Public, personally appeared Roger BERGER, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal



2

DC1 - 288460.1

## ASSIGNMENT

D  
ARBOUR

WHEREAS, WE, **David GERBER**, a citizen of Switzerland and residing at Alpsteinstrasse 4, Arbon, Switzerland, **Hansjuerg W. EMCH**, a citizen of Switzerland and residing at 1527 Spruce Street, Philadelphia, Pennsylvania 19102, and **Michael BRACE**, a citizen of the United States and residing at 1611 Bridle Path Drive, Lansdale, Pennsylvania 19446, ASSIGNORS, are inventors together with Roger BERGER, of the invention entitled **OCCIPITAL PLATE AND SYSTEM FOR SPINAL STABILIZATION**, for which we have executed an application for a Patent of the United States

- which is identified by Pennie & Edmonds LLP docket no. 8932-320 and
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AND WHEREAS, **SYNTHES AG CHUR**, ASSIGNEE, having a registered office and place of business at Grabenstrasse 15, CH-7002 Chur, Switzerland, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application in all geographic locations except the United States and its possessions and territories, Canada and its possessions and territories, the Bahamas, and Bermuda, (hereinafter "the excluded geographic locations")

AND WHEREAS, **SYNTHES (USA)**, ASSIGNEE, a General Partnership existing under the laws of the Commonwealth of Pennsylvania and having a place of business at 1690 Russell Road, Paoli, PA 19301, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application in the excluded geographic locations:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over:

- (1) unto the said SYNTHES (USA), its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention in the excluded geographic locations, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection in the excluded geographic locations, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country in the excluded geographic locations, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection in the excluded geographic locations, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country in the excluded geographic locations and all extensions, renewals and reissues thereof, and
- (2) unto the said SYNTHES AG CHUR, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention in all geographic locations except the excluded geographic locations; and all applications for industrial property protection in all geographic locations except the excluded geographic locations, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States in all geographic locations except the excluded geographic locations, together with the right to file such applications and the right to claim for the same the priority rights

derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection in all geographic locations except the excluded geographic locations, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the respective ASSIGNEES, their successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEES, their successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEES, their successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, WE hereunto set our hands and seals the day and year set opposite our respective signatures.

Date 11/25/02

D. Gerber \_\_\_\_\_ L.S.

David GERBER

State of Pennsylvania  
\_\_\_\_\_  
County of Chester

In the State of Pennsylvania, county of Chester, on Nov. 25<sup>th</sup> 2002, before me,  
Nancy M. Jenkinson, Notary Public, personally appeared David GERBER, personally known to me on  
the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted,  
executed the instrument.

WITNESS my hand and official seal

Nancy M. Jenkinson

NOTARIAL SEAL

Nancy M. Jenkinson, Notary Public  
East Goshen Twp., Chester County  
My Commission Expires June 17, 2004

Date \_\_\_\_\_

L.S.

**Hansjuerg W. EMCH**

State of \_\_\_\_\_ )  
                  ) SS.:  
County of      )

In the State of \_\_\_\_\_, county of \_\_\_\_\_, on \_\_\_\_\_, before me,  
\_\_\_\_\_, Notary Public, personally appeared **Hansjuerg W. EMCH**, personally known to me  
on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument  
and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted,  
executed the instrument.

WITNESS my hand and official seal

---

Date \_\_\_\_\_

L.S.

**Michael BRACE**

State of \_\_\_\_\_ )  
                  ) SS.:  
County of      )

In the State of \_\_\_\_\_, county of \_\_\_\_\_, on \_\_\_\_\_, before me,  
\_\_\_\_\_, Notary Public, personally appeared **Michael BRACE**, personally known to me on  
the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted,  
executed the instrument.

WITNESS my hand and official seal

---

## ASSIGNMENT

WHEREAS, WE, **David GERBER**, a citizen of Switzerland and residing at Alpsteinstrasse 4, Arbon, Switzerland, **Hansjuerg W. EMCH**, a citizen of Switzerland and residing at 1527 Spruce Street, Philadelphia, Pennsylvania 19102, and **Michael BRACE**, a citizen of the United States and residing at 1611 Bridle Path Drive, Lansdale, Pennsylvania 19446, ASSIGNORS, are inventors together with Roger BERGER, of the invention entitled **OCCIPITAL PLATE AND SYSTEM FOR SPINAL STABILIZATION**, for which we have executed an application for a Patent of the United States

- which is identified by Pennie & Edmonds LLP docket no. 8932-320 and
- was filed on February 21, 2001, Application No. 09/788,639

AND WHEREAS, **SYNTHES AG CHUR**, ASSIGNEE, having a registered office and place of business at Grabenstrasse 15, CH-7002 Chur, Switzerland, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application in all geographic locations except the United States and its possessions and territories, Canada and its possessions and territories, the Bahamas, and Bermuda, (hereinafter "the excluded geographic locations")

AND WHEREAS, **SYNTHES (USA)**, ASSIGNEE, a General Partnership existing under the laws of the Commonwealth of Pennsylvania and having a place of business at 1690 Russell Road, Paoli, PA 19301, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application in the excluded geographic locations:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over:

- (1) unto the said SYNTHES (USA), its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention in the excluded geographic locations, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection in the excluded geographic locations, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country in the excluded geographic locations, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection in the excluded geographic locations, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country in the excluded geographic locations and all extensions, renewals and reissues thereof, and
- (2) unto the said SYNTHES AG CHUR, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention in all geographic locations except the excluded geographic locations; and all applications for industrial property protection in all geographic locations except the excluded geographic locations, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States in all geographic locations except the excluded geographic locations, together with the right to file such applications and the right to claim for the same the priority rights

derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection in all geographic locations except the excluded geographic locations, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the respective ASSIGNEES, their successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

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IN TESTIMONY WHEREOF, WE hereunto set our hands and seals the day and year set opposite our respective signatures.

Date \_\_\_\_\_

L.S.

**David GERBER**

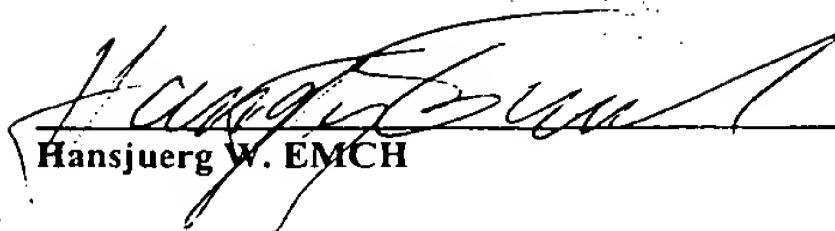
State of \_\_\_\_\_ )  
                    ) SS.:  
County of        )

In the State of \_\_\_\_\_, county of \_\_\_\_\_, on \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared David GERBER, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

---

Date 11/21/02

  
Hansjuerg W. EMCH

L.S.

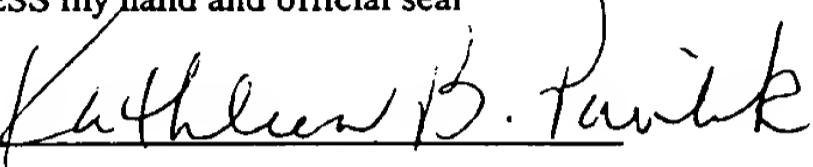
State of Penns )

) SS.:

County of Chester

In the State of Penns, county of Chester, on 11/21/02, before me,  
Kathleen B. Pavlik, Notary Public, personally appeared **Hansjuerg W. EMCH**, personally known to me  
on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument  
and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted,  
executed the instrument.

WITNESS my hand and official seal



Notarial Seal  
Kathleen B. Pavlik, Notary Public  
Tredyffrin Twp., Chester County  
My Commission Expires Apr. 28, 2003

Member, Pennsylvania Association of Notaries

Date \_\_\_\_\_

L.S.

Michael BRACE

State of \_\_\_\_\_ )

) SS.:

County of \_\_\_\_\_ )

In the State of \_\_\_\_\_, county of \_\_\_\_\_, on \_\_\_\_\_, before me,  
\_\_\_\_\_, Notary Public, personally appeared **Michael BRACE**, personally known to me on  
the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted,  
executed the instrument.

WITNESS my hand and official seal

\_\_\_\_\_

## ASSIGNMENT

WHEREAS, WE, David GERBER, a citizen of Switzerland and residing at Alpsteinstrasse 4, Arborn, Switzerland, Hansjuerg W. EMCH, a citizen of Switzerland and residing at 1527 Spruce Street, Philadelphia, Pennsylvania 19102, and Michael BRACE, a citizen of the United States and residing at 1611 Bridle Path Drive, Lansdale, Pennsylvania 19446, ASSIGNORS, are inventors together with Roger BERGER, of the invention entitled **OCCIPITAL PLATE AND SYSTEM FOR SPINAL STABILIZATION**, for which we have executed an application for a Patent of the United States

- which is identified by Pennie & Edmonds LLP docket no. 8932-320 and
- was filed on February 21, 2001, Application No. 09/788,639

AND WHEREAS, SYNTHES AG CHUR, ASSIGNEE, having a registered office and place of business at Grabenstrasse 15, CH-7002 Chur, Switzerland, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application in all geographic locations except the United States and its possessions and territories, Canada and its possessions and territories, the Bahamas, and Bermuda, (hereinafter "the excluded geographic locations")

AND WHEREAS, SYNTHES (USA), ASSIGNEE, a General Partnership existing under the laws of the Commonwealth of Pennsylvania and having a place of business at 1690 Russell Road, Paoli, PA 19301, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application in the excluded geographic locations:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over:

- (1) unto the said SYNTHES (USA), its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention in the excluded geographic locations, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection in the excluded geographic locations, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country in the excluded geographic locations, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection in the excluded geographic locations, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country in the excluded geographic locations and all extensions, renewals and reissues thereof, and
- (2) unto the said SYNTHES AG CHUR, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention in all geographic locations except the excluded geographic locations; and all applications for industrial property protection in all geographic locations except the excluded geographic locations, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States in all geographic locations except the excluded geographic locations, together with the right to file such applications and the right to claim for the same the priority rights

derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection in all geographic locations except the excluded geographic locations, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the respective ASSIGNEES, their successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEES, their successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEES, their successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, WE hereunto set our hands and seals the day and year set opposite our respective signatures.

Date \_\_\_\_\_ L.S.  
**David GERBER**

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ )

L.S.

---

**David GERBER**

In the State of \_\_\_\_\_, county of \_\_\_\_\_, on \_\_\_\_\_, before me,  
\_\_\_\_\_, Notary Public, personally appeared **David GERBER**, personally known to me on  
the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted,  
executed the instrument.

WITNESS my hand and official seal

Date \_\_\_\_\_

L.S.

**Hansjuerg W. EMCH**

State of \_\_\_\_\_ )  
                  ) SS.:  
County of      )

In the State of \_\_\_\_\_, county of \_\_\_\_\_, on \_\_\_\_\_, before me,  
\_\_\_\_\_, Notary Public, personally appeared **Hansjuerg W. EMCH**, personally known to me  
on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument  
and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted,  
executed the instrument.

WITNESS my hand and official seal

\_\_\_\_\_  
Date 1/14/02

Michael J. Brace  
Michael BRACE

L.S.

State of Pennsylvania  
                  ) SS.:  
County of Chester

In the State of Pennsylvania, county of Chester, on Jan. 14, 2002, before me,  
Nancy M. Jenkinson, Notary Public, personally appeared **Michael BRACE**, personally known to me on  
the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted,  
executed the instrument.

WITNESS my hand and official seal

Nancy M. Jenkinson

